

Case 1:08-cv-03201 Document 10 Filed 07/28/2008 Page 1 of 6
U.S. Department of Justice
United States Marshals Service

PROCESS RECEIPT AND RETURN
See Instructions for "Service of Process by the U.S. Marshal"
on the reverse of this form. 08C 3201

PLAINTIFF Robbie J. Moore	COURT CASE NUMBER 08C3201						
DEFENDANT Roger E. Walker, JR. et al	TYPE OF PROCESS SC						
SERVE NAME OF INDIVIDUAL, COMPANY, CORPORATION, ETC., TO SERVE OR DESCRIPTION OF PROPERTY TO SEIZE OR CONDEMN Terry L. McCann, Warden, Stateville Correctional Center ADDRESS (Street or RFD, Apartment No., City, State and ZIP Code) S.C.C. c/o K. Sandlin Legal Dept. P.O. Box 112, Joliet, IL 60434							
AT SEND NOTICE OF SERVICE COPY TO REQUESTER AT NAME AND ADDRESS BELOW: Robbie J. Moore, B-116483 P.O. Box 99 Pontiac IL 61764	<table border="1"><tr><td>Number of process to be served with this Form - 285</td><td>1</td></tr><tr><td>Number of parties to be served in this case</td><td>2</td></tr><tr><td>Check for service on U.S.A.</td><td></td></tr></table>	Number of process to be served with this Form - 285	1	Number of parties to be served in this case	2	Check for service on U.S.A.	
Number of process to be served with this Form - 285	1						
Number of parties to be served in this case	2						
Check for service on U.S.A.							

SPECIAL INSTRUCTIONS OR OTHER INFORMATION THAT WILL ASSIST IN EXPEDITING SERVICE (Include Business and Alternate Addresses, All Telephone Numbers, and Estimated Times Available For Service):
Fold

FILED
JUL 28 2008 YM
JUL 28, 2008
MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT.

Signature of Attorney or other Originator requesting service on behalf of:	<input checked="" type="checkbox"/> PLAINTIFF <input type="checkbox"/> DEFENDANT	TELEPHONE NUMBER	DATE 07-09-08
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SPACE BELOW FOR USE OF U.S. MARSHAL ONLY — DO NOT WRITE BELOW THIS LINE

I acknowledge receipt for the total number of process indicated. (Sign only first USM 285 if more than one USM 285 is submitted)	Total Process 292	District of Origin No. 24	District to Serve No. 24	Signature of Authorized USMS Deputy or Clerk TD	Date 07-09-08
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I hereby certify and return that I ☐ have personally served, ☒ have legal evidence of service, ☐ have executed as shown in "Remarks", the process described on the individual, company, corporation, etc., at the address shown above or on the individual, company, corporation, etc., shown at the address inserted below.

☐ I hereby certify and return that I am unable to locate the individual, company, corporation, etc., named above (See remarks below)

Name and title of individual served (if not shown above)	<input type="checkbox"/> A person of suitable age and discretion then residing in the defendant's usual place of abode.
Address (complete only if different than shown above) Received signed waiver of summons + receipt of certified delivery (green card)	Date of Service 7/6/08 Time pm Signature of U.S. Marshal or Deputy [Signature]

Service Fee 0	Total Mileage Charges (including endeavors) 0	Forwarding Fee 6.24	Total Charges 6.24	Advance Deposits 0	Amount owed to U.S. Marshal or 6.24	Amount of Refund 0
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REMARKS: mailed certified mail w/ waiver 7007 0710 0000
9600 0702

**INSTRUCTIONS FOR SERVICE OF
PROCESS BY THE U.S. MARSHAL**

Please type or print legibly, insuring readability of all copies. **DO NOT DETACH ANY COPIES.**

Submit one complete set of this form (USM-285) and one copy of each writ for each individual, company, corporation, etc., to be served or property to be seized or condemned. The applicable fees for such service(s) (T28, USC Sec. 1921 establishes the fees for service of process by the U.S. Marshal) may be required prior to said service.

For service of any process upon an officer or agent of the United States Government, submit a copy of the writ and a set of Form USM-285 for each officer or agent upon whom service is desired. Submit three (3) additional copies of the writs for service upon the Government of the United States. The U.S. Marshal will serve one (1) upon the U.S. Attorney and will forward two (2) to the Attorney General of the United States. (When the applicable box is checked, completion of the final signature block by the U.S. Marshal or his Deputy always certifies service on the U.S. Attorney and the Attorney General, regardless of whether other defendants on the writ were served.) Failure to provide any of the copies will ~~delay~~ service of the writ.

Complete all entries above the double line. Mark all applicable check boxes and use the "Special Instructions" to advise of any information that will assist the U.S. Marshal in expediting service.

If more than one writ and USM-285 is submitted on a single case, the U.S. Marshal will receipt for all of them on the first USM-285. You will receive for your records the last (No. 5) "Acknowledgment of Receipt" copy for all the USM-285 forms you submit. When the writ is served, you will receive the No. 3 Notice of Service copy. This copy will be identical to the return to the Clerk of the Court.

Upon completion of all services (if the Marshals fees were not requested or tendered in advance or if additional fees are indicated), you will receive a "Billing Statement" (copy 4 of USM-285) from the United States Marshal. (NOTE: Copy 4 should be returned, by you, to the U.S. Marshal, together with your payment of the amount owed.)

Additional supplies of the USM-285 may be obtained from the Clerk of the U.S. District Court or U.S. Marshal, without cost.

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS**

(DISTRICT)

Waiver of Service of Summons

FILED**JUL 28 2008 YM****TO: Robbie J. Moore**

(NAME OF PLAINTIFF'S ATTORNEY OR UNREPRESENTED PLAINTIFF)

MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT

I, Terry L. McCann, Warden

(DEFENDANT NAME)

acknowledge receipt of your request that I waive

service of summons in the action of Robbie J. Moore vs. Roger E. Walker, Jr., et al.

(CAPTION OF ACTION)

which is case number 08C3201

(DOCKET NUMBER)

in the United States District Court for the

Northern District of Illinois

(DISTRICT)

I have also received a copy of the complaint in the action, two copies of this instrument, and a means by which I can return the signed waiver to you without cost to me.

I agree to save the cost of service of a summons and an additional copy of the complaint in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4.

I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect in the summons or in the service of the summons.

I understand that a judgment may be entered against me (or the party on whose behalf I am acting) if an answer or motion under Rule 12 is not served upon you within 60 days after July 9, 2008

(DATE REQUEST WAS SENT)

or within 90 days after that date if the request was sent outside the United States.

7-16-08

DATE

SIGNATURE

Printed/Typed Name: Terry McCann

As

TITLE

of

CORPORATE DEFENDANT

Duty to Avoid Unnecessary Costs of Service of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the summons and complaint. A defendant located in the United States who, after being notified of an action and asked by a plaintiff located in the United States to waive service of summons, fails to do so will be required to bear the cost of such service unless good cause be shown to its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the complaint is unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service of the summons retains all defenses and objections (except any relating to the summons or to the service of the summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

A defendant who waives service must within the time specified on the waiver form serve on the plaintiff's attorney (or unrepresented plaintiff) a response to the complaint and must also file a signed copy of the response with the court. If the answer or motion is not served within this time, a default judgment may be taken against the defendant. By waiving service, a defendant is allowed more time to answer than if the summons had been actually served when the request for waiver of service was received.

United States District Court
Northern District of Illinois

SUMMONS IN A CIVIL ACTION

ROBBIE J. MOORE

Vs.

CASE NUMBER: 08CV3201

JUDGE: DARRAH

ROGER E. WALKER, JR., et al.

TO: Terry L. McCann

YOU ARE HEREBY SUMMONED and required to file with the Clerk of this Court and serve upon plaintiff's attorney:

Name: Robbie J. Moore
Firm: B-16483
Address: P.O. Box 99
City: Pontiac, IL 61764
Telephone:

an answer to the complaint which is herewith served upon you, within [20] days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

Michael W. Dobbins, Clerk

Maya Burke

By:

Maya Burke, Deputy Clerk

Dated: July 7, 2008

RECEIVED
UNITED STATES MARSHAL
2008 JUL -9 PM 3:30
NORTHERN DISTRICT OF ILL.
ADMINISTRATIVE SECTION

RETURN OF SERVICE		
Service of the Summons and Complaint was made by me: ^	DATE <u>7/16/08</u>	
NAME OF SERVER (Print) <u>Kathy Sandlin</u>	TITLE <u>Lt. Coord</u>	
Check one box below to indicate appropriate method of service:		
<input checked="" type="checkbox"/> Served personally upon the defendant. Place where served: <u>16830 S Rt 53</u> <u>Crest Hill, IL</u>		
<input type="checkbox"/> Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein. Name of person with whom the summons and complaint were left: _____		
<input type="checkbox"/> Returned unexecuted: _____		
<input type="checkbox"/> Other (specify): _____		
<div style="font-size: 2em; font-weight: bold; margin-bottom: 5px;">FILED</div> <div style="font-weight: bold; margin-bottom: 5px;">JUL 28 2008 YM</div> <div style="font-size: 0.8em;">MICHAEL W. DOBBINS CLERK, U.S. DISTRICT COURT</div>		
STATEMENT OF SERVICE FEES		
TRAVEL	SERVICES	TOTAL
DECLARATION OF SERVER		
<p>I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.</p>		
Executed on <u>7/16/08</u> <div style="text-align: center; font-size: 0.8em;">Date</div>	<u>Kathy Sandlin</u> <div style="text-align: center; font-size: 0.8em;">Signature of Server</div> <u>16830 S Rt. 53</u> <div style="text-align: center; font-size: 0.8em;">Address of Server</div> <u>Crest Hill, IL</u>	

^As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Stateville Correctional Center
40 K. Sandlin, Legal Coord.
P.O. Box 112
Joliet, IL 60434

08 C 3201

2. Article Number

(Transfer from service label)

7007 0710 0000 9600 0702

PS Form 3811, February 2004

Domestic Return Receipt

102585-02-M-11

A. Signature

X

90 S.A.

☐ Agent☐ Address

B. Received by (Printed Name)

90 Sumner

C. Date of Delivery

D. Is delivery address different from item 1? If YES, enter delivery address below:

☐ Yes☐ No

3. Service Type

☒ Certified Mail☐ Express Mail☐ Registered☒ Return Receipt for Merchandise☐ Insured Mail☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

UNITED STATES POSTAL SERVICE



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

* Sender: Please print your name, address, and ZIP+4 in this box *

United States Marshals Service
219 S. Dearborn Street, Room 2444
Chicago, IL 60604
Attn: Civil

08C3201